

**SEVENTH REGULAR SESSION**

Johnstown, NY

July 9, 2012

Roll Call- Quorum Present

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, DiGiacomo, Gendron, Handy, Howard, Johnson, Kemper, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present: 18 Absent: 2 (Supervisors Fagan and Kinowski)

Chairman Gendron called the meeting to order at 1:00 p.m., with Supervisors Fagan and Kinowski absent upon roll call. Following the Pledge of Allegiance to the Flag, Chairman Gendron then recognized Robert Roth, Fulton County Off-Track Betting Corporation (OTB) representative to present the 2012 OTB Scholarship Awards. Mr. Roth, assisted by Chairman Gendron, presented Third Place award winner Kristen Lansburg with a plaque to recognize her accomplishment. Other winners were not present for the occasion. The awards were as follows:

1<sup>st</sup> Place: Taylor Goodell, Oppenheim-Ephratah Central School

2<sup>nd</sup> Place: Tamara Shafer, Oppenheim-Ephratah Central School

3<sup>rd</sup> Place: Kristen Lansburg, Oppenheim-Ephratah Central School

Chairman Gendron then asked if there was anyone present from the public who wished to address the Board.

***Barbara Handy, CSEA representative (Town of Mayfield)*** – Ms. Handy stated that she wondered how much longer County employees are expected to work without a new contract. She asked, “When will Fulton County seriously come to an agreement with the negotiating team?”. She stated that the process began three years ago and that items that cost little or no money are not even being considered by the County. She stated that the negotiating team was advised by the County’s labor attorney that the County has no money to bring to the bargaining table. The County appears to have money for anything other than its employees. She stated that the Union is not asking for unreasonable amounts of money or “crazy perks” that will cause bankruptcy. It is only asking for a “meager raise” to offset the cost of living. Ms. Handy stated that the County sold the Infirmary in April and “wiped out” half the County employees. Being a former RHCF employee she watched the sale very closely and would love to know how much money it cost the taxpayers to sell the RHCF. No wage increase for three years is unjust and unfair. She stated, “It is time to stop disrespecting us and go to the bargaining table with the intent to make an offer that will result in a contract they all agree with”.

***Kathy Dougherty, Supt. of Northville School District, 1 Abel Drive, Johnstown*** – Ms. Dougherty stated that she was here on behalf of the Northville School District. She received a copy of the “Decision and Judgment” issued by Supreme Court Justice Judge Aulisi regarding the County making the school districts whole for HR-BRRD delinquent school taxes. She stated that it is a shame that the school districts had to incur the legal costs for filing an Article 78 when it was clear that the County was legally obligated to make the districts whole. She stated that this money could have been “spent on the children”. She further stated that the 2012-2013 school tax bills will be sent next month and asked if it will be necessary for the three schools districts to file another Article 78 if HR-BRRD doesn’t pay the taxes. Ms. Dougherty stated, “We are all county taxpayers and this legal expense comes out of our own pockets and we essentially are suing ourselves”. She stated in this age of increasing expenditures, everyone

needs to be reasonable and rational, learn from past lessons and make a decision not to repeat this scenario.

**Joe Maher – CSEA Local 818 Secretary, 10 Fon Clair Street, Johnstown** – Mr. Maher stated that employees are insulted by the recent offer at the last negotiation session. The employees feel they are not being fairly compensated. He stated the employees are looking for a fair contract and looking for it now.

**Ron Briggs, CSEA President, Gloversville** – Mr. Briggs stated that government service used to be a proud service. He stated that Board meetings being held at 1:00 p.m. continues to present problems to open government and continues to present problems of having full membership participation. He stated that the “boss/subordinate relationship” is at issue. Research shows that bosses play an important role in employee satisfaction. He wonders what the County has done in the last two and a half years to help promote and foster an atmosphere that shows appreciation for Fulton County employees. He stated it is time for the Board to act like a boss and help out its employees. He further stated that none of the towns’ employees have gone two and a half years without a contract. The same goes for the two cities. State mandates “are not pretty”, but it is not the fault of the employees. He noted that although there has been a 10 percent reduction in the work force, services are still being provided to county residents. He asked, rhetorically “Wouldn’t it be nice if you acknowledged these facts?” He further stated, “Remember, silence speaks volumes”.

Supervisor Handy then moved for a Republican Caucus. The Board recessed for the Caucus at 1:22 p.m. and reconvened into Regular Session at 1:38 p.m.

There being no further public speakers, Chairman Gendron called for review of Communications.

## **COMMUNICATIONS**

1. Memorandum from Gregory Rajkowski, Supervisor, Town of Mohawk, dated June 15, 2012  
Subj: State Environmental Quality Review, Notice of Intent to Declare Lead Agency for Town of Mohawk Zoning Law Update
2. Letter from Kara I. Lais, Fitzgerald Morris Baker Firth PC, to Michael F. Gendron, Chairman of the Board, dated June 21, 2012 Subj: Notice of Public Hearing for CG Roxane, LLC – Construction Project (Supervisor DiGiacomo requested a copy of Communication 2)
3. Letter from William Ferguson, Chairman, Gloversville Planning Board to County of Fulton  
Subj: Notice of Public Hearing for the purpose of reviewing Live Saved Ministries Site Plan for Assembly Space at 35 ½ Main Street (Supervisors Lauria and Ottalagano requested a copy of Communication 3)

## **UPDATES FROM STANDING COMMITTEES**

**Economic Development and Environment** – Chairman Bradt advised that the recycling conveyor in the Solid Waste Department was scheduled to be replaced this year under the 2012 Capital Plan. However, after further review, the Solid Waste Director determined that it would be more advantageous for this conveyor to be rebuilt by the employees with a cost savings to the County.

**Personnel** – Chairman Howard advised that a negotiation session was held with the CSEA Nurses Unit on July 3, 2012 and excellent progress was made. Negotiations between the County and CSEA General Unit are headed to Fact Finding on July 13, 2012.

## **REPORTS OF SPECIAL COMMITTEES**

***Inter-County Legislative Committee of the Adirondacks:*** Supervisor Kemper advised that a meeting was held on June 21, 2012 in Hamilton County at International Paper's Club. She stated that International Paper was the largest landowner in New York State until 2005. It currently is the only fully integrated pulp and paper mill operating in the Adirondack Park. Dave Lucas from NYSAC advised that NYSAC is displeased with the final closing session of the State Legislature because there was no additional mandate relief. She further advised that the Mandate Relief Council has not met since March. She stated that NYSAC is focusing on two major issues - early intervention and preschool program reform. The next meeting will be held in Herkimer County in August.

***Resource Conservation and Development District*** – Supervisor Lauria advised that he has the minutes of the Executive Conferences for June 12 and June 20, 2012.

***Soil and Water Conservation District*** – Supervisor Ottalagano advised that it is very busy at the District. He stated that local farms are doing well with regards to submissions for grants. He also advised that three forestry programs have been approved for the county. The fish stocking went very well this year and there were, "bigger orders and bigger fish" this year. The Sprite Club Dam Project is moving along. The "Day at the Farm" is set for September 30 at 9:00 a.m. at Rogers Orchards in the Town of Johnstown.

## **CHAIRMAN'S REPORT**

Chairman Gendron advised that the 2013 Budget process will start with the Capital Projects Committee meeting on July 12, 2012. A memo was sent out to members regarding the date and time. If a Chairman cannot attend this meeting, please contact the Board staff.

## **RESOLUTIONS**

***No. 238 (Resolution Authorizing Contract between Fulton County and C.T. Male Associates for Engineering Services for the Tryon Technology Park and Incubator Center Project (2012 Capital Plan):*** Supervisor DiGiacomo asked what the difference was between this contract cost and the low proposal that was received. Mr. Stead stated that the difference was around \$20,000.00. Mr. Stead stated that when it came down to the two finalists, the committee felt there was a need for some additional services for this project and the two finalists were asked to propose costs for the added work. The committee also felt that it could "bundle" some of the survey work into the engineering services contract, which would benefit the County.

Supervisor Callery asked if the County has received the grant funds from the State. Mr. Stead stated that the grant has been approved, but not received. He stated that the County is waiting for final transfer of the deed for the property. Mr. Stead stated the State has agreed to provide grant reimbursement for "front-end" work, even if the transfer ultimately doesn't occur.

***No. 239 (Resolution Establishing a Public Hearing Date to have Additional Properties in the Town of Johnstown and Town of Perth added to Agricultural District No. 1 in Fulton County):*** Mr. Stead advised there were some questions in the Economic Development and Environment Committee regarding whether all applicant parcels need to go to a public hearing. He stated that the answer is “yes”. He further advised that all parcels need to go to public hearing, then the Board can decide whether to include them or not in Agricultural District No. 1. Supervisor DiGiacomo asked if there is any minimum lot size requirements for Agricultural District membership. Mr. Stead stated there is no minimum.

***No. 241 (Resolution Appointing Crystal Stewart to Represent the Cornell Cooperative Extension on the Fulton County Agricultural and Farmland Protection Board):*** – Mr. Stead explained that there are no “at large” vacancies right now. The only vacancy is one for a Cornell Cooperative Extension representative. Supervisor Callery asked why this is even in front of the Board. Why doesn’t Cornell appoint her? Mr. Stead stated all appointments are made by the Board of Supervisors.

***No. 250 (Resolution Authorizing Memorandum of Understanding to participate in the Adirondack Regional Interoperable Communications Consortium (Civil Defense):*** Supervisor Howard asked why this is being considered and what is the purpose of being able to talk from here to the Canadian border. Supervisor Waldron stated the Civil Defense Director wants us to participate in this Consortium to improve communications between the surrounding counties during emergencies. Mr. Stead stated that this is just a networking group for communications. The idea is to have common standards among surrounding counties. He stated that this is just a planning consortium. Supervisor Born asked about purchasing of equipment. Mr. Stead stated that right now it is just a planning group. There are no grants or applications involved in joining this effort. Supervisor Born asked if the Board agrees to do this, does it have to purchase equipment with these nine other counties. Supervisor Waldron stated that if any purchases are needed in the future, approval would have to be voted on separately.

Supervisor Kemper asked if this is strictly for EMS agencies. Mr. Stead and Supervisor Waldron stated that it is for all emergency communications.

***No. 257 (Resolution Authorizing Transfers for purchase of a Bulldozer in the Solid Waste Department (2012 Capital Plan):*** Supervisor Callery asked where the “shortfall” is. Alice Kuntzsch, Budget Director, advised that the net cost is \$278,000.00, but both the revenue and expense have to be identified. The expenditure also has to match the fixed assets. Supervisor Johnson asked what the price was without the trade-in. Mr. Stead stated that \$318,000.00 was the bid price. Supervisor Johnson contended that accepting trade-ins could inflate the price that the vendor bids.

***No. 258 (Resolution Authorizing Disposal of Certain Surplus Equipment):*** Supervisor Callery asked why there are no identification numbers on some items (printers from the Sheriff’s Department). Mr. Stead stated that the tags most likely fell off during the use of the machine. Supervisor Born asked if the age of any equipment being discarded could be included in the future.

***No. 260 (Resolution Setting Date for Public Hearing Regarding “A Local Law to Authorize Overriding the State-Mandated Tax Levy Limit for the 2013 Fulton County Budget”):*** Supervisor Callery asked what a 1 percent represents in dollars for 2013. He said, in other words, how much money would the County need to cut to stay within the tax cap. Mr. Stead stated he is not sure if all the information has been received from the State yet to calculate this figure. Supervisor Kemper stated that last year 1 percent was about \$240,000.00. Supervisor Waldron stated that because no state mandate relief was received, he believes that the County should definitely eliminate the 2 percent cap regardless of how the budget turns out. Supervisor DiGiacomo stated that this step is just for the public hearing to address the tax cap.

Mr. Stead advised that a couple of issues came up at the last minute that need to be addressed by the Board. He stated that the “Order and Judgment” issued by Judge Aulisi related to the HR-BRRD delinquent school taxes is one of the items. The other item is that a tentative agreement was voted on by the CSEA Nurses Unit. The Board will need an executive session to discuss this agreement today.

A motion was offered by Supervisor Johnson, seconded by Supervisor DiGiacomo and unanimously carried, to waive the Rules of Order to take action on Late Resolutions 262-264.

Upon a motion by Supervisor Kemper, seconded by Supervisor Argotsinger and unanimously carried, the Board entered to Executive Session at 2:31 p.m. to discuss pending litigation and collective bargaining.

Upon a motion by Supervisor Callery, seconded by Supervisor Waldron and unanimously carried, the Board re-entered into Regular Session at 3:10 p.m.

Upon a motion by Supervisor Callery, seconded by Supervisor Waldron and unanimously carried, the meeting adjourned at 3:15 p.m.

*Certified by:*

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*Jon R. Stead, Administrative Officer/ DATE  
Clerk of the Board*

## **Resolution No. 229**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

### **RESOLUTION APPROVING SACANDAGA VALLEY ARTS NETWORK EVENT AT THE "GATEWAY TO THE ADIRONDACKS" VISITOR CENTER**

WHEREAS, a Facilities Use Application has been received from the Sacandaga Valley Arts Network requesting permission to sponsor a "Meet the Artists Open House" event at the "Gateway to the Adirondacks" Visitors Center; and

WHEREAS, the Sacandaga Valley Arts Network will arrange for cleanup, as well as provide for sufficient insurance protection coverage as required by County policy; and

WHEREAS, the County Attorney has approved said application, pending submission of required insurance documents; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds/Highway, the Sacandaga Valley Arts Network be and hereby is authorized to utilize the "Gateway to the Adirondacks" Visitors Center for a "Meet the Artists Open House" event on Friday, July 13, 2012, contingent upon receipt of an appropriate Certificate of Insurance naming the County as an additional insured and upon issuance of the appropriate County permit by the County Attorney; and, be it further

RESOLVED, That the County Attorney do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Superintendent of Highways and Facilities, Fulton County Chamber of Commerce, Sacandaga Valley Arts Network, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 230**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

### **RESOLUTION DESIGNATING COUNTY ROADS FOR SNOW AND ICE CONTROL DURING WINTER OF 2012-2013**

WHEREAS, Section 129 of the Highway Law provides that the Board of Supervisors of any county may annually appropriate and expend such sums as it deems proper and necessary for removal of snow, the control of ice and the erection and removal of snow fencing on county roads of the county; and

WHEREAS, Section 129 of the Highway Law further provides that said Board of Supervisors shall designate the county roads from which snow is to be removed, under the direction of the County Superintendent of Highways; now, therefore be it

RESOLVED, That the county roads, as described and attached hereto, be and they hereby are designated as County Roads from which snow shall be removed by the Fulton County Superintendent of Highways, upon which he shall cause to be created and removed the necessary snow fence or other structures to prevent the drifting of snow upon these roads and necessary sanding and ice control; and the entire cost of the work shall be a charge against Fulton County; and, be it further

RESOLVED, That the plowing of these roads is contingent upon the cooperation of the property owners abutting these roads, who must allow the free use of their land by the Fulton County Superintendent of Highways; should any property owner(s) refuse to allow the free use of their lands for the purpose of erection and removal of snow fencing, such action shall be just cause for the Fulton County Superintendent of Highways to refuse to remove snow from the county road upon which this permission is denied; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Highway Superintendent and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

COUNTY ROADS OF FULTON COUNTY DESIGNATED FOR  
SNOW AND ICE CONTROL DURING WINTER OF 2011-2012

Rd. No.		Length
101	St. Rte. 29A westerly to Co. Rd. 131	1.81
102	Phelps St.-G'ville City Line northeasterly to St. Rte. 30A (2.12 Tn. Johnstown; 1.28 Tn. Mayfield)	3.40
103	St. Rte. 67 southeasterly to Montgomery Co. Line	0.52
104	St. Rte. 29A southerly to Co. Rd. 119	2.37
105	St. Rte. 920J westerly to Gloversville City Line	0.27
106	St. Rte. 29 southeasterly to St. Rte. 30 (2.85 Tn. Mayfield; 1.42 Tn. Perth)	4.27
107	Johnstown City Line easterly to Co. Rd. 132 (3.26 Tn. Johnstown; 6.51 Tn. Perth; 4.97 Tn. Broadalbin)	14.74
108	St. Rte. 331 westerly to Herkimer Co. Line	4.03
109	Co. Rd. 110 southerly to Saratoga Co. Line (0.24 Tn. Northampton; 1.43 Tn. Broadalbin)	1.67
110	Broadalbin Village Line northerly to Saratoga Co. Line (6.59 Tn. Broadalbin; 0.98 Tn. Northampton)	7.57
111	St. Rte. 29A northerly to Kasson Drive	1.36
112	St. Rte. 29A easterly to St. Rte. 309 (2.22 Tn. Caroga; 6.62 Tn. Bleecker)	8.84
113	Northville Village limits to Saratoga Co. Line	1.48
114	St. Rte. 29 southerly to Montgomery Co. Line	2.84
116	St. Rte. southerly to Sammons ville	4.38
116A	Montgomery Co. Line northerly to Co. Rd. 116 intersection	0.59
118	St. Rte. 29 northwesterly to St. Rte. 10	0.30
119	St. Rte. 29 northwesterly to Herkimer Co. Line (5.00 Tn. Ephratah; 6.59 Tn. Stratford)	11.59
120	Co. Rd. 108 to Dolgeville Village limits	2.58
121	Gloversville City Line to Co. Rd. 122	0.53
122	Johnstown City Line northeasterly to Co. Rd. 102	5.52
123	St. Rte. 30 northeasterly to Co. Rd. 152 (4.28 Tn. Mayfield, 1.88 Tn. Northampton)	6.16
125	Co. Rd. 112 to Hamilton Co. Line	7.42
126	Co. Rd. 155 to Montgomery Co. Line (3.19 Tn. Broadalbin; 2.41 Tn. Perth)	5.60
130	St. Rte. 30 to St. Rte. 30	0.51
131	St. Rte. 29 northerly to Co. Rd. 101	2.10
131A	Johnstown City Line westerly to Co. Rd. 131 intersection	1.58
132	Co. Rd. 107 southerly to Montgomery Co. Line	3.03
137	St. Rte. 29A to Cape Horn Rd.	3.79
138	Co. Rd. 110 southerly to St. Rte. 29	4.65
140	St. Rte. 10 to Montgomery Co. Line	2.40



142	Co. Rd. 107 southerly to Montgomery Co. Line	2.65
142A	St. Rte. 67 northeasterly to Co. Rd. 142 intersection	0.92
143	Northville Village Limits to Hamilton Co. Line	1.59
145	Co. Rd. 112 northerly to Barlow Rd.	1.35
146	Co. Rd. 102 northeasterly to St. Rte. 30 (1.63 Tn. Mayfield; 0.09 Vill. Mayfield; 1.75 Tn. J'town)	3.47
148	Johnstown City Line southerly to Montgomery Co. Line	0.65
149	Co. Rd. 113 northerly to Northville Village limits	1.19
150	Co. Rd. 108 easterly to St. Rte. 331	1.17
151	St. Rte. 29 south to Co. Rd. 108	2.20
152	St. Rte. 30 northerly to St. Rte. 920H	3.04
153	Airport Rd.-St. Rte. 67 northerly	0.36
154	G'ville City Line easterly to St. Rte. 30A & St. Rte. 349 northeasterly to St. Rte. 30A (0.67 Tn. J'town; 0.79 Tn. M'field)	1.46
155	St. Rte. 29 easterly to St. Rte. 30 easterly to St. Rte. 29 (0.02 Tn. Broadalbin; 1.29 Tn. Mayfield)	1.31
156	St. Rte. 67 northerly to St. Rte. 29	1.28
157	St. Rte. 349 northerly to Co. Rd. 154	0.83
158	St. Rte. 29 southerly to Co. Rd. 107 (0.32 Tn. Mayfield; 1.38 Tn. Perth)	<u>1.70</u>
TOTAL		143.07

## Resolution No. 231

Supervisors ARGOTSINGER AND HOWARD offered the following Resolution and moved its adoption:

### RESOLUTION AUTHORIZING 2012-2013 AGREEMENTS FOR SNOW AND ICE CONTROL ON CERTAIN DESIGNATED ROADS

RESOLVED, That the Chairman of the Board of Supervisors and the County Highway Superintendent are hereby empowered and directed to enter a written agreement with the following towns in Fulton County for snow and ice control on certain designated County roads during the season of 2012-2013, at a cost of \$5,000.00 per mile:

<u>Town</u>	<u>Mileage</u>
Bleecker	2.15 (includes contract for plowing Tower Rd)
Broadalbin	14.43
Caroga	5.15
Ephratah	7.70
Johnstown	6.72
Mayfield	5.91
Northampton	9.69
Perth	3.95
Stratford	8.96
City of Johnstown	<u>0.65</u>
TOTAL	65.31

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 232**

Supervisors ARGOTSINGER AND BORN offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING CONTRACT WITH THE TOWN OF BLEECKER FOR 2012-2013 WINTER MAINTENANCE OF THE COMMUNICATIONS TOWER ROAD**

WHEREAS, the County Highway Department is responsible for plowing and sanding the road leading to the Fulton County Communications Tower to provide access during winter months; said road being approximately 0.80 miles long; and

WHEREAS, the Town of Bleecker already plows the road connecting to the County's portion of said road; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with the Town of Bleecker to maintain the road leading to the Communications Tower during the winter months, at a cost not to exceed \$4,000.00; said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That the cost for said work shall be charged against Appropriation Account D-825-5142.414 Snow Removal/County-Town Contracts; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Town of Bleecker, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 233**

Supervisors ARGOTSINGER AND HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING REIMBURSEMENT OF 2012 CHIPS FUNDING TO THE CITY OF GLOVERSVILLE FOR FORMER COUNTY HIGHWAY 128**

WHEREAS, Resolution 117 of 2009 authorized transfer of ownership and maintenance of County Road 128 to the City of Gloversville; and

WHEREAS, New York State Department of Transportation included County Road 128 in the 2012 Consolidated Local Street and Highway Improvement Program (CHIPS) funding for Fulton County; and

WHEREAS, the City of Gloversville requested the portion of CHIPS monies for former County Road 128 be reimbursed; and

WHEREAS, the Superintendent of Highways and Facilities and Committees on Building and Grounds/Highway and Finance recommend that the City of Gloversville receive the portion of CHIPS funding for former County Road 128 in the amount of \$5,100.00; now, therefore be it

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Decrease D-083-3501.000 State Aid-Consolidated Highway Aid-CHIPS	\$5,100.00
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Appropriation Account:

Decrease D-825-5112.419 Road Construction-Co Road #128	\$5,100.00
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and, be it further

RESOLVED, That the County Treasurer and Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, City of Gloversville, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 234**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR UNLEADED GASOLINE FOR THE CENTRAL FUEL DEPOTS LOCATED AT THE COUNTY SERVICES COMPLEX AND SOLID WASTE DEPARTMENT**

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of unleaded fuels for the fuel dispensing system located at the County Services Complex and Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 205, County Office Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, August 15, 2012; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 235**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING A “NO-COST TIME EXTENSION OF LOCAL/MISCELLANEOUS CONTRACT” FOR TEA-21 GRANT FUNDS FOR THE RAIL TRAIL PROJECT**

WHEREAS, Resolution 45 of 2003 authorized the Chairman of the Board to execute a TEA-21 Grant with the NYS Department of Transportation (NYSDOT) for a \$400,000.00 federal grant, administered by NYSDOT, to pay for 80% of the costs of developing Phase III of the Rail Trail Project, which among other things, included construction of approximately 3.5 miles of trail along the abandoned railroad corridor within the City of Johnstown; and

WHEREAS, Resolution 330 of 2007 authorized a supplemental agreement with the NYS DOT for TEA-21 Grand Funds for the Rail Trail Project; extending the original Grant Agreement until September 30, 2012; and

WHEREAS, the City of Johnstown contacted NYSDOT and asked if the Grant Agreement could be extended inasmuch as all City work tasks have not been completed; and

WHEREAS, the NYS DOT has agreed to extend the grant deadline to September 30, 2014; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to execute a Supplemental Agreement with the NYS Department of Transportation for a “No-cost Time Extension of Local/Miscellaneous Contract for TEA-21 Grant Funds for the Rail Trail Project for the period September 30, 2012 through September 30, 2014; said Supplemental Agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That the Planning Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of Transportation, City of Johnstown, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 236**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

### **RESOLUTION AMENDING RESOLUTION 117 OF 2009 WHICH AUTHORIZED TRANSFER OF OWNERSHIP AND MAINTENANCE OF COUNTY ROAD 128 TO THE CITY OF GLOVERSVILLE**

WHEREAS, Walmart Corporation is constructing a new “Super Center” along S. Kingsboro Avenue/County Road 128, in the City of Gloversville; and

WHEREAS, in order to simplify highway ownership and maintenance responsibilities related to the new road network adjacent to the Walmart Super Center, the Committee on Buildings and Grounds/Highway and Superintendent of Highways and Facilities recommend that ownership of County Road 128 be transferred to the City of Gloversville; and

WHEREAS, Resolution 117 dated March 9, 2009, authorized the transfer of the County Road 128 ROW over to the City of Gloversville and said transfer was completed on February 9, 2011; and

WHEREAS, NYS DOT has asked for a revised resolution be adopted; now, therefore be it

RESOLVED, That the Board of Supervisors hereby approves transferring ownership of the County Road 128 ROW and abandons it over to the City of Gloversville for the City to own, operate and maintain as a City street; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Real Property Tax Services Agency Director, Superintendent of Highways and Facilities, Planning Director, City of Gloversville Mayor, Gloversville Director of Public Works, Town of Johnstown, Administrative Officer/Clerk of the Board, and to each and every other person, institution and agency who will further the purpose of this Resolution.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

**Resolution No. 237**

Supervisors BRADT offered the following Resolution and moved its adoption:

RESOLUTION RESCINDING RESOLUTION 210 OF 2012 WHICH  
AUTHORIZED ADVERTISING FOR BIDS FOR THE PURCHASE OF A  
RECYCLING CONVEYOR FOR USE IN THE SOLID WASTE DEPARTMENT  
(2012 CAPITAL PLAN)

WHEREAS, Resolution 210 of 2012 authorized advertisement for bids for purchase of a Recycling Conveyor for use in the Solid Waste Department as identified in the 2012 Capital Plan; and

WHEREAS, the Director of Solid Waste has withdrawn his request to purchase a new Recycling Conveyor and is pursuing a process to refurbish the existing conveyor in-house; now, therefore be it

RESOLVED, That Resolution 210 of 2012 entitled “Resolution Authorizing Advertisement for Bids for Purchase of a Recycling Conveyor for use in the Solid Waste Department” be and hereby is rescinded; and, be it further

RESOLVED, That the 2012 Capital Plan be amended to reflect the cancellation of the Conveyor purchase; and, be it further

RESOLVED, That the 2012 adopted Budget be amended as follows:

Decrease EW-081-0511.000 Appropriated Reserves	\$32,000.00
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Appropriation Account:

Decrease EW-865-8163.201 Recycling – Capital Equipment	\$32,000.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)



## **Resolution No. 238**

Supervisors BRADT AND HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING CONTRACT BETWEEN FULTON COUNTY AND C.T. MALE ASSOCIATES FOR ENGINEERING SERVICES FOR THE TRYON TECHNOLOGY PARK AND INCUBATOR CENTER PROJECT (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan included funding for the Tryon Technology Park and Incubator Center Project; and

WHEREAS, Resolution 62 of 2012 authorized distribution for a Request for Proposals to engineering firms to provide engineering services for the Tryon Technology Park and Incubator Center Project; and

WHEREAS, nine (9) proposals were received and reviewed; and

WHEREAS, based on the report of the RFP interview committee, the Committees on Economic Development & Environment and Finance recommend contracting with C.T. Male Associates for said work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between Fulton County and C.T. Male Associates of, Latham, New York, to provide engineering services as part of the Tryon Technology Park and Incubator Center Project, in the amount not to exceed \$132,217.00; and, be it further

RESOLVED, That said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That the 2012 Adopted Budget be amended as follows:

#### Revenue

Increase A-083-3097.000 State Aid – Genl Government Capital Grant	\$132,217.00
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#### Appropriation

Increase A-795-9950.900 – Transfer to Capital Plan Project	\$132,217.00
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and, be it further

**Resolution No. 238 (Continued)**

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-795-9950.900 – Transfer to Capital Plan Project

To: H-085-6430.100 – Tryon Tech Park – Design

Sum: \$132,217.00

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, C.T. Male Associates, All Engineering firms, Budget Director/County Auditor, Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## Resolution No. 239

Supervisor BRADT offered the following Resolution and moved its adoption:

### RESOLUTION ESTABLISHING A PUBLIC HEARING DATE TO HAVE ADDITIONAL PROPERTIES IN THE TOWN OF JOHNSTOWN AND TOWN OF PERTH ADDED TO AGRICULTURAL DISTRICT NO. 1 IN FULTON COUNTY

WHEREAS, New York State Agriculture and Markets Law, Section 303-b, was amended to allow landowners to request inclusion of their property in an existing Agricultural District during an annual 30-day time period each year; and

WHEREAS, Resolution 159 of 2004 established an annual 30-day time period during March for landowners to apply to the Fulton County Agricultural and Farmland Protection Board for inclusion in the Fulton County Agricultural District; and

WHEREAS, a property owner has requested that certain parcels in the Town of Johnstown and in the Town of Perth be included in Agricultural District No. 1; now, therefore be it

RESOLVED, That the Board of Supervisors for the County of Fulton will meet at the Board of Supervisors' Chambers in the County Office Building, Johnstown, NY, on Monday, August 13, 2012 at 1:45 p.m. for the purpose of holding a public hearing on requests from the following property owner to include their properties in Fulton County Agricultural District No. 1:

<u>Property Owner</u>	<u>Address</u>	<u>Parcel No.</u>	<u>Total Acres</u>
Paul Chupka	Midline Road (Perth)	179-1-36	1.6
		179-1-38	1.6
	North Bush Road (Johnstown)	131-1-32	48.4
	Sweet Road (Johnstown)	131-1-31.1	57.9

and, be it further

RESOLVED, That the Clerk of the Board of Supervisors give notice of said public hearing on the request to have additional property included in Agricultural District No. 1 in Fulton County and that said notice shall be published once in the official newspaper of this County, at least five (5) days prior to the date of said public hearing; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Town of Johnstown, Town of Perth, Fulton County Agricultural and Farmland Protection Board, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 488 (17) Nays: 0 Abstentions: 6 (1) (Supervisor Johnson) Absent: 57 (2) (Supervisors Fagan and Kinowski)

## **Resolution No. 240**

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION CLASSIFYING REQUEST TO HAVE PROPERTIES ADDED TO  
AGRICULTURAL DISTRICT NO. 1 IN FULTON COUNTY AS AN UNLISTED ACTION  
AND PROPOSING THE BOARD OF SUPERVISORS AS THE  
LEAD AGENCY UNDER SEQRA**

WHEREAS, Fulton County must conduct a State Environmental Quality Review Act (SEQRA) review on the proposed inclusion of additional properties into Agricultural District #1; and

WHEREAS, the inclusion of predominantly viable agricultural land within an existing Agricultural District is a discretionary action of the Board of Supervisors, it is considered an Unlisted Action; and

WHEREAS, the Planning Department has prepared a Short Environmental Assessment Form (EAF) for this proposed action; and

WHEREAS, the lead agency must transmit a copy of the EAF and supporting materials to other Involved Agencies and notify them that lead Agency must be established within thirty (30) calendar days; now, therefore be it

RESOLVED, That Fulton County Board of Supervisors hereby proposes that it serve as Lead Agency for the purpose of issuing a determination of significance under SEQR; and, be it further

RESOLVED, That a copy of the EAF be forwarded to the NYS Department of Agriculture and Markets agreeing that they consent to Fulton County serving as Lead Agency and looking for comments to be forwarded to the County before July 23, 2012; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of Agriculture and Markets, Fulton County Agricultural and Farmland Protection Board, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor CAPEK and adopted by the following vote:

Total: Ayes: 18   Nays: 0   Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 241**

Supervisor BRADT offered the following Resolution and moved its adoption:

### **RESOLUTION APPOINTING CRYSTAL STEWART TO REPRESENT THE CORNELL COOPERATIVE EXTENSION ON THE FULTON COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD**

WHEREAS, in accordance with NYS Agriculture and Market Laws, Section 302, the Board of Supervisors has the responsibility and authority to appoint an Agricultural and Farmland Protection Board to advise it related to establishment, modification, continuation or termination of agricultural districts and related to farming and farm resources within Fulton County; and

WHEREAS, a vacancy exists on the Fulton County Agricultural and Farmland Protection Board representing the local Cooperative Extension Office; now, therefore be it

RESOLVED, That Crystal Stewart, of Johnstown, New York, be and hereby is appointed to the Fulton County Agricultural and Farmland Protection Board representing the “County Cooperative Extension Agent” until further notice;

and, be it further

RESOLVED, That said Appointee is required to complete the Fulton County Board of Ethics’ Financial Disclosure Statement, and is further directed to sign the Fulton County Oath Book located in the Fulton County Clerk’s Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Planning Director, Crystal Stewart, Fulton County Board of Ethics and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 242**

Supervisors DIGIACOMO offered the following Resolution and moved its adoption:

### **RESOLUTION DISCONTINUING THE OFA WEATHERIZATION PROGRAM DUE TO STATE AID CUTS**

WHEREAS, funding for County administered Weatherization Services for people over the age of 60 was removed from federal and state budgets effective April 2012; and

WHEREAS, Fulton County Office for Aging will discontinue the Weatherization Services Program for seniors due to State Aid cuts effective immediately; now, therefore be it

RESOLVED, that the Weatherization Services Program provided for by the Office for Aging is hereby discontinued, effective immediately, and, be it further

RESOLVED, That the 2012 Adopted Budget be amended as follows:

#### Revenue

Decrease A-083-4772 OFA Federal Funds Wrap	\$25,121.00
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#### Appropriations

Decrease A-685-7610.419 OFA Vehicle Lease	\$ 6,000.00
Decrease A-685-7610.100 OFA Payroll	\$19,121.00

and, be it further

RESOLVED, That the OFA Director and Budget Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Office for Aging Director, Budget Officer/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 243**

Supervisors DIGIACOMO AND HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION ACCEPTING COST-OF-LIVING ADJUSTMENT FOR CHILDHOOD LEAD POISONING PREVENTION PROGRAM (PUBLIC HEALTH DEPARTMENT)**

WHEREAS, Resolution 41 of 2011 accepted Lead Grant Funds from the NYS Department of Health in the amount of \$23,732.00 for the period 2010-2011; and

WHEREAS, the NYS Department of Health has issued Cost-of-Living Adjustment funds for said Lead Poisoning Prevention Program in the amount of \$1,903.00; now, therefore be it

RESOLVED, That the County of Fulton hereby accepts Cost-of-Living Adjustment funds from the NYS Department of Health for the following public health grant:

Childhood Lead Poisoning prevention Program	\$1,903.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 244**

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR  
TRANSPORTATION TO CENTER FOR DISABILITY SERVICES,  
AMSTERDAM, NY (CHILDREN WITH HANDICAPPING  
CONDITIONS PROGRAM)**

WHEREAS, Resolution 371 of 2011 awarded bids for the Children with Handicapping Conditions Transportation Program for transportation services in 2012; and

WHEREAS, the Public Health Director has advised that a new route for transportation of children to the summer preschool program at Center for Disability Services is necessary; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from vendors for transportation to the Center For Disability Services summer pre-kindergarten program for the Children with Handicapping Conditions Transportation Program, in Amsterdam, NY (and according to further specifications which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, July 25, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 397 (14)    Nays: 97 (4) (Supervisors DiGiacomo, Howard, Kemper and Ottuso) Absent: 57 (2) (Supervisors Fagan and Kinowski)



## **Resolution No. 245**

Supervisors DIGIACOMO AND HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF 2012-2013 ENHANCED CPS FUNDS**

WHEREAS, the Department of Social Service has been notified that it can apply for an additional allocation to improve child protective services staff-to-client ratios; now, therefore be it

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Decrease A-081-0599.000 Approp Fund Balance	\$ 5,361.00
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Revenue Account:

Increase A 083-3610.000 DSS Administration	\$12,861.00
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Appropriation Account:

Increase A 505-6010.112 DSS Payroll Services	\$ 7,500.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## Resolution No. 246

Supervisors WALDRON, HOWARD AND BORN offered the following Resolution and moved its adoption:

### RESOLUTION AMENDING RESOLUTION 232 OF 2011 TO REFLECT ADJUSTMENTS TO CERTAIN STIPENDS IN THE DISTRICT ATTORNEY'S OFFICE

WHEREAS, Resolution 232 of 2012 accepted a 2011-2012 State Aid to Prosecution Grant from the NYS Department of Criminal Justice Services and allocated certain stipends; and

WHEREAS, said grant funding in the amount of \$29,200.00 was effective from July 1, 2011 through June 30, 2012; and

WHEREAS, on May 29, 2012, the Department of Criminal Justice Services (DCJS) notified the District Attorney's Office that DCJS had erred in regard to the contract dates for said grant and the grant date should have been for the period April 1, 2011 through March 31, 2012; and

WHEREAS, the adjustment to the contract dates changes the distribution and reimbursement of certain stipends as follows:

	<u>4/1/11-3/31/12</u>
1 <sup>st</sup> Assistant District Attorney	\$7,609.38
2 <sup>nd</sup> Assistant District Attorney	6,311.09
3 <sup>rd</sup> Assistant District Attorney	3,668.98
Confidential Secretary	1,172.74
Associated Fringe Benefits	3,002.09

and

WHEREAS, DCJS must be reimbursed \$7,435.72 from the original grant proceeds to correct the distribution of funds; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized and directed to sign an amended contract with DCJS for the 2011-2012 State Aid to Prosecution Grant effective April 1, 2011 through March 31, 2012; and, be it further

RESOLVED, That said contract shall be subject to the approval of the County Attorney; and, be it further

RESOLVED, That the Personnel Director do each and everything necessary to carry out the purport of this resolution, including adjusting stipends as identified herein; and, be it further

RESOLVED, That the District Attorney and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

**Resolution No. 246 (continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, NYS Department of Criminal Justice Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 247**

Supervisors WALDRON AND HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF 2012-2013 STATE AID TO PROSECUTION GRANT FROM THE NYS DEPARTMENT OF CRIMINAL JUSTICE SERVICES AND ALLOCATING CERTAIN STIPENDS THEREFROM (DISTRICT ATTORNEY)**

WHEREAS, the District Attorney has requested permission to apply for and accept 2012-2013 "State Aid to Prosecution" Grant funds, in the amount of \$29,200.00; and

WHEREAS, the Committees on Public Safety and Finance have reviewed a request from the District Attorney to apply said grant funds toward salary increases for certain employees in the District Attorney's Office and fringe benefits related to the increases; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to submit an application for, and authorize acceptance from, the NYS Department of Criminal Justice Services for State Aid to Prosecution funding, in an amount of \$29,200.00, effective April 1, 2012 through March 31, 2013; and, be it further

RESOLVED, That effective April 1, 2012, stipends be established in the 2012 Adopted Budget for the following positions in the District Attorney's Office at the identified annualized rates:

1st Assistant District Attorney	\$10,102.10
2nd Assistant District Attorney	8,377.72
3rd Assistant District Attorney	5,401.07
Confidential Secretary	1,556.96

and, be it further

RESOLVED, That the remainder of the grant funds, in an amount of \$3,762.15, be applied for fringe benefits; and, be it further

RESOLVED, That said stipends shall exist independent of the regular salaries of the identified positions and shall not, at any time, be considered a part of the base salary nor be utilized for computation of salary increases; and, be it further

RESOLVED, That said stipends for the specified positions in the District Attorney's Office be and hereby are contingent upon full funding in the form of the "Aid to Prosecution Grant" from New York State, with the understanding that these stipends will expire immediately, if and when these specific grant funds are discontinued; and, be it further

RESOLVED, That the District Attorney and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

**Resolution No. 247 (continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 248**

Supervisor WALDRON offered the following Resolution and moved its adoption:

### **RESOLUTION WAIVING "60-MILE RADIUS" RULE FOR CONFERENCE ATTENDANCE (SHERIFF)**

WHEREAS, Resolution No. 188 of 1992 established a 60-mile radius minimum for overnight conferences for all employees of the County of Fulton; and

WHEREAS, the Sheriff requested a waiver of said rule in order to attend the NYS Sheriff's Association Training Conference in Cooperstown, NY, with overnight lodging; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the "60-mile radius rule", as identified in Resolution No. 188 of 1992, be and hereby is waived to allow the Sheriff to attend the NYS Sheriffs' Association Training Conference, in Cooperstown, NY, July 23 – 27, 2012, with overnight lodging, at a cost not to exceed \$1,419.00; and, be it further

RESOLVED, That said cost be a charge against A-305-3110.422 Sheriff Dept-Training Programs; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 249**

Supervisor WALDRON offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR DENTAL SERVICES IN THE FULTON COUNTY CORRECTIONAL FACILITY**

WHEREAS, the current contract for dental services at the Fulton County Correctional Facility expires on December 31, 2012; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for Dental Services (and according to further specifications which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, August 15, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Correctional Facility, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 250**

Supervisor WALDRON offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING TO PARTICIPATE IN THE ADIRONDACK REGIONAL INTEROPERABLE COMMUNICATIONS CONSORTIUM (CIVIL DEFENSE)**

WHEREAS, the Adirondack Regional Interoperable Communications Consortium (ARICC) has been created to promote a seamless wireless communications system for governmental public safety/service agencies throughout a region consisting of the Counties of Clinton, Essex, Franklin Warren, Washington, Hamilton, Saratoga, Montgomery and Fulton; and

WHEREAS, the mission of this Consortium is to coordinate development of a wireless interoperable communications network for all first responders in the Adirondack region, encourage participation in the ARICC to reduce member agency costs and to continue to seek alternative funding methods to reduce local government costs; ; now, therefore, be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Memorandum of Understanding to join and participate in the Adirondack Regional Interoperable Communications Consortium at no cost; and, be it further

RESOLVED, That the Civil Defense Director/Fire Coordinator be, and hereby is, designated as the County of Fulton's representative to said Consortium; and, be it further

RESOLVED, That said Memorandum of Understanding is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director, ARICC, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)



## **Resolution No. 251**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING SALE OF COUNTY-OWNED PROPERTIES NOT MEETING THE SET MINIMUM AUCTION PRICE (2012)**

WHEREAS, a public auction for the sale of County-owned property was held on Wednesday, June 13, 2012; and

WHEREAS, Resolution No. 215 of 1997 established a procedure to set minimum bids for tax acquired properties subject to public auction, specifying that all bids over the minimum be final and executable by the County Treasurer; and

WHEREAS, certain bids received did not meet the minimum set bid prices previously established by the Board of Supervisors; and

WHEREAS, the Committee on Finance has reviewed the list of bids not meeting the minimum and determined it would be in the County's best interest to accept bids below the minimum on certain parcels in order to place them back on the active tax rolls; now, therefore be it

RESOLVED, That in addition to the parcels meeting the minimum, the County Treasurer be and hereby is authorized to sell other County-owned properties at the identified auction bid price below the minimum, included on the attached list; and, be it further

RESOLVED, That the bid for County-owned parcel 162.8-1-2.1 on Maple Avenue in the City of Johnstown be and hereby is rejected; and, be it further

RESOLVED, That the County Treasurer be directed to record the appropriate deeds after the execution thereof and to bill the purchasers the proper fees, as well as do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

**Tax Acquired Property Auction**  
**June 13, 2011**  
**Properties Not Meeting the Minimum Bid**

<u>Town/SBL</u>	<u>Purchaser</u>	<u>Tax Amount</u>	<u>Bid Accepted</u>
<i>Bleecker:</i>			
55.-1-90	William A. Obenhoff	\$ 208.74	\$ 50.00
<i>Ephratah:</i>			
170.12-2-5	Aleksandr Chudik	7,440.95	3,000.00
<i>Johnstown:</i>			
101.16-6-4	Gregory Fairchild	1,541.48	1,100.00
116.4-2-1	Anthony Mongato	1,083.15	1,000.00
133.20-3-13	Andrzej Goralczyk	1,876.83	200.00
133.20-3-14	Andrzej Goralczyk	1,737.81	200.00
133.20-3-15	Andrzej Goralczyk	1,645.14	200.00
133.20-3-16	Andrzej Goralczyk	1,645.14	200.00
133.20-3-17	Andrzej Goralczyk	1,251.25	200.00
133.20-3-18	Andrzej Goralczyk	1,251.25	200.00
133.20-3-19	Andrzej Goralczyk	1,100.65	200.00
149.-3-2	Robert R. Famiglietti	8,350.33	2,500.00
149.-3-10	Robert R. Famiglietti	2,197.57	1,800.00
149.12-3-38	Jonathan D. Young	751.13	600.00
<i>Northampton:</i>			
45.1-22	Allen E. Blowers	459.74	100.00
<i>Oppenheim:</i>			
11.-1-24	Sunil G. Nail	1,004.86	100.00
126.2-1-38	Jeremy B. Hogan	6,165.48	3,000.00
<i>Perth:</i>			
189.-1-22.111	Robert R. Famiglietti	6,331.67	50.00
<i>Gloversville:</i>			
134.12-5-5	Lewis M. Lombardoni	603.61	175.00
134.14-4-25	Leonid Umanski	6,275.58	4,750.00
134.14-12-3	Gregory Johnson	2,350.80	500.00
134.14-17-16.2	Terry E. Brown	1,282.19	500.00
134.15-8-15	Jovan Boljanac	3,469.40	700.00
134.18-19-15	Raymond C. Bennett	8,494.05	8,000.00
134.18-32-3	Jonathan D. Young	6,949.05	6,500.00
134.19-4-1	Jonathan D. Young	21,331.78	15,000.00
149.10-7-12.5	Leonid Umansky	11,818.04	10,750.00
149.10-14-5	Geneen Matthes	12,983.63	9,000.00
149.14-12-4	Jeffrey W. Regensburger	2,471.82	175.00
149.17-6-5	James W. Beddow	6,721.73	4,000.00
149.5-19-11	Michael A. Pepper	5,956.74	4,000.00
149.5-19-27	Randy E. Smith	9,150.46	6,000.00
149.5-21-2	Anatoly Kozhenevsky	2,291.27	200.00
149.5-22-14	Michael A. Harrison	12,345.78	8,000.00
149.6-6-2	Susan M. Casey	19,361.94	8,000.00
149.6-22-19	Kaytie A. Compiani	7,611.60	6,000.00
149.7-6-16	Santo Russo Jr.	3,355.81	1,500.00

*Demo Underbids – City of Gloversville:*

134.17-3-59	Joseph M. Scarpa	9,479.46	700.00
134.17-3-67.1	Jeffrey W. Regensburger	328.02	150.00
134.17-3-68	Jeffrey W. Regensburger	12,677.47	150.00
134.18-25-9	Bleecker Street Church of Christ	9,305.18	100.00
134.18-30-10	Anthony J. Mongato	23,659.98	3,750.00
134.18-31-6	Dennis Fitzpatrick	7,210.10	50.00
134.18-8-22	Gustavo A. Sacerio Jr.	9,218.99	100.00
149.6-14-4	Gloversville Public Library	36,341.57	200.00

## **Resolution No. 252**

Supervisor BORN offered the following Resolution and moved its adoption:

### **RESOLUTION TRANSFERRING TITLE TO PARCELS 63.2-1-6 AND 63.2-1-8 IN THE TOWN OF STRATFORD TO DONNA BOYER**

WHEREAS, the County has taken title to Parcels 63.2-1-6 and 63.2-1-8 in the Town of Stratford due to non-payment of taxes; and

WHEREAS, due to vague property lines at the time of her purchase, adjacent property owner Donna Boyer built a residence on this parcel and maintained it for many years, believing it was her property; and

WHEREAS, Ms. Boyer has requested that the County of Fulton sell her this property and has agreed to pay the delinquent taxes, any buyer's fees and all filing fees in the amount of \$1,489.27; and

WHEREAS, the County Treasurer and Real Property Tax Services Agency Director recommends transferring the title to Donna Boyer to resolve any disputed property lines and return the parcel to the tax rolls; now, therefore be it

RESOLVED, That the County Treasurer is authorized to record the appropriate deed for transfer of parcels 63.2-1-6 and 63.2-1-8 in the Town of Stratford to Donna Boyer after receipt of payment from Ms. Boyer for the aforementioned delinquent taxes; as well as do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Donna Boyer, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 253**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION TRANSFERRING TITLE TO PARCEL 104.13-1-3 IN THE VILLAGE OF MAYFIELD TO MAYFIELD FIRE DISTRICT #2**

WHEREAS, the County has taken title to Parcel 104.13-1-3 due to non-payment of taxes; and

WHEREAS, said parcel is landlocked, measuring 60' x 115', located within adjoining parcels owned by Mayfield Fire District #2; and

WHEREAS, the County has received a letter from Carol Hart, Treasurer of the Fire District, requesting that the parcel be given to Mayfield Fire District #2; and

WHEREAS, said parcel is a landlocked parcel with little value and reappears as an unsellable lot after being subject to County tax foreclosure; and

WHEREAS, the Committee on Finance has reviewed this request and recommends that the property be transferred to Mayfield Fire District #2 contingent upon the District paying all recording and filing fees to obtain title; now, therefore be it

RESOLVED, That the County Treasurer is authorized to record the appropriate deed for transfer of parcel 104.13-1-3 in the Village of Mayfield to Mayfield Fire District #2 after receipt of payment from Mayfield Fire District #2 for any recording and filing fees; as well as do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Mayfield Fire District #2, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor ARGOTSINGER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 254**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION SETTING DATE OF PUBLIC HEARING ON THE PROPOSED 2012-2013 FMCC BUDGET**

RESOLVED, That the Board of Supervisors for the County of Fulton will meet at the Board of Supervisors' Chambers in the County Building, Johnstown, New York, on Monday, August 13, 2012, at 1:30 p.m. for the purpose of holding a public hearing on the tentative budget for Fulton-Montgomery Community College as related to the financial share and obligation of Fulton County for the fiscal year beginning September 1, 2012, pursuant to Chapter 631 of the Laws of 1965; and, be it further

RESOLVED, That the Administrative Officer/Clerk of the Board of Supervisors be and hereby is directed to give notice of said public hearing on such tentative budget pursuant to and in accordance with Section 359 of the County Law, and that said notice shall be published once in the official newspaper of this County at least five days prior to date of said public hearing; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Montgomery County Board of Supervisors, Fulton-Montgomery Community College, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 255**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AMENDING THE 2012 CAPITAL PLAN TO INCLUDE PURCHASE OF SQL SOFTWARE FOR USE IN INFORMATION SERVICES DEPARTMENT**

WHEREAS, the 2012 Capital Plan identifies a Server Upgrade Project for the Information Services Department, in an amount of \$9,864.00; and

WHEREAS, the Information Services Director has now determined that the requirements for an IMAP server replacement have been greatly reduced due to the recent consolidation of the Real Property Services database; and

WHEREAS, there are currently four (4) servers running SQL Server software and SQL applications for the Board of Elections, Probation, Community Services and Treasurer's Departments; and

WHEREAS, the Community Services Department cannot bill for past services or post and record remittances due to a recent change in HIPPA record format without a SQL Server software update and Probation cannot receive any enhancements for its Caseload Explorer program until SQL server software is upgraded; and

WHEREAS, the Information Services Director recommends purchasing the SQL server software in 2012 in order to address these issues; now, therefore be it

RESOLVED, That the 2012 Capital Plan be and hereby is amended to identify the purchase of GIS and IMAP Servers and SQL Server Software as part of the Server Upgrade Project at a cost not to exceed \$9,722.00; and, be it further

RESOLVED, That the Information Services Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## Resolution No. 256

Supervisor HOWARD offered the following Resolution and moved its adoption:

### RESOLUTION TRANSFERRING FUNDS WITHIN THE 2012 RESIDENTIAL HEALTH CARE FACILITY BUDGET TO REFLECT CHANGES IN 2012 APPROPRIATIONS/EXPENSES

WHEREAS, the Budget Director/County Auditor requested an analysis of the 2012 Residential Health Care Facility budget to identify accounts that have balances available to transfer monies to cover increased unemployment costs anticipated through September 30, 2012, sick leave allowance pay-out costs and payroll costs to cover the Nursing Home Controller salary through the July 31, 2012; and

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: EH 845-6020-130	RHCF-Shift Differential	\$	1,500.00
EH 845-6020-140	RHCF-Weekend/Holiday Diff.		227.00
EH 845-6020-190	RHCF-Uniform Allowance		700.00
EH 845-6020-200	RHCF- Equipment		3,000.00
EH 845-6020-403	RHCF- Repairs To Equip		2,800.00
EH 845-6020-408	RHCF-Telephones		1,900.00
EH 845-6020-409	RHCF-Prof. Services		17,000.00
EH 845-6020-412	RHCF-Memberships		1,100.00
EH 845-6020-413	RHCF-Maintenance Contracts		13,200.00
EH 845-6020-416	RHCF-Sewer Rent		19,000.00
EH 845-6020-419	RHCF-Leases		28,000.00
EH 845-6020-420	RHCF-Soc Serv Dept		50.00
EH 845-6020-421	RHCF-Inservice Education		216.00
EH 845-6020-422	RHCF-Conf, School, Seminars		400.00
EH 845-6020-423	RHCF-CNA Training/Recertification		190.00
EH 845-6020-452	RHCF-Nursing & Oxygen		7,900.00
EH 845-6020-454	RHCF-Maintenance Supplies		2,500.00
EH 845-6020-456	RHCF-Printing		600.00
EH 845-6020-457	RHCF-Books & Subscriptions		125.00
EH 845-6020-459	RHCF-Housekeeping Supplies		1,200.00
EH 845-6020-460	RHCF-Laundry Supplies		1,000.00
EH 845-6020-465	RHCF-Activities Supplies		100.00
EH 845-6020-466	RHCF-Food Supplies		6,200.00
EH 845-6020-469	RHCF-Disp. Patient Supplies (Linens)		5,200.00
EH 845-6020-850	RHCF-Hosp, Med, Surg-Empire		58,532.00
EH 845-6020-851	RHCF-Hosp, Med, Surg-HMO		<u>50,000.00</u>
			\$222,640.00



**Resolution No. 256 (continued)**

To:	EH 845-6020-860	RHCF-Unemployment Insurance	\$220,213.00
	EH 845-6020-180	RHCF-Sick Leave Allowance	700.00
	EH 845-6020-100	RHCF-Payroll	<u>1,727.00</u>
			\$222,640.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Controller, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 257**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING TRANSFERS FOR PURCHASE OF A BULLDOZER IN THE SOLID WASTE DEPARTMENT (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies a bulldozer for use in the Solid Waste Department at a projected cost of \$285,000.00; and

WHEREAS, Resolution 143 of 2012 awarded the bid for the purchase of a bulldozer to Nortrax, Inc. as follows:

(1) 2012 John Deere 850K	\$318,000.00
Less Trade-in (2002 JD850c)	<u>40,000.00</u>
Net Bid	\$278,000.00

and,

WHEREAS, the 2012 budget appropriation for this purchase was \$285,000.00; and

WHEREAS, inasmuch as the Solid Waste Director has withdrawn the 2012 Capital Plan request to purchase a new Recycling Conveyor System budgeted at \$65,000.00, these funds can be applied to the shortfall for purchase of the bulldozer; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfers:

From: EW-865-8163.201 Recycling – Capital Equipment  
To: EW-865-8162.201 Cent Landfill Oprns – Capital Equipment  
Sum: \$33,000.00

From: EW-082-0878.000 CL Bldg/Equipment Depreciation  
To: EW-082-0909.000 Fund Balance  
Sum: \$278,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/ Purchasing Agent.

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 488 (17) Nays: 6 (1) (Supervisor Johnson) Absent: 57 (2) (Supervisors Fagan and Kinowski)

## **Resolution No. 258**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT**

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

*Solid Waste Department:*

Microwave Oven (ID#7272)

Camera (ID #6762)

Vacuum Cleaner (ID#0003744)

*Sheriff/Corrections:*

HP Laserjet Printer (ID #5213)

HP 1100 Printer (ID #5054)

HP 1100 Printer (No ID#)

HP 1100 Printer (No ID#)

HP Deskjet Printer (No ID#)

HP Deskjet Printer (No ID#)

Facsimile Machine, Brother Intellifax 77 (No ID#)

Facsimile Machine, Brother Intellifax (ID #4490)

Computer Monitor, Clearmax (No ID#)

*Social Services:*

Telephones (5) (No ID#)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Commissioner of Social Services, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 259**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING CONTRACT WITH THOMSON WEST FOR MCKINNEY'S LAW BOOKS**

WHEREAS, the Board of Supervisors' Office maintains a complete set of McKinney's New York State Laws for reference purposes; and

WHEREAS, Thomson West submitted a proposal to lock in pricing for a flat, monthly cost of \$349.59 for updates for a two-year period, in lieu of being billed based on the number of supplements or new volumes printed each year; and

WHEREAS, past trends indicate that the monthly "flat rate" option will be cost-effective; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract with Thomson West, of St. Paul, MN, for McKinney's New York State Laws and supplements, at a monthly cost of \$349.59, effective upon contract signing and continuing for a two-year period; said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That said cost be a charge against A-015-1010.457 BOS-Books & Sub; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Thomson West, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 260**

Supervisor HOWARD offered the following Resolution and moved its adoption:

### **RESOLUTION SETTING DATE FOR PUBLIC HEARING REGARDING “A LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX LEVY LIMIT FOR THE 2013 FULTON COUNTY BUDGET**

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on July 9, 2012, a proposed local law entitled, “LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX LEVY LIMIT FOR THE 2013 FULTON COUNTY BUDGET”; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law “C” of 2012 by the Fulton County Board of Supervisors on Monday, August 13, 2012, at 2:00 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and that at least seven days’ notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

**COUNTY OF FULTON  
LOCAL LAW “C” OF 2012 ENTITLED,  
“LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX  
LEVY LIMIT FOR THE 2013 FULTON COUNTY BUDGET”**

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON,  
AS FOLLOWS:

***Purpose:***

The intent of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2013 Fulton County Budget. The continued financial obligations imposed on the County by the State of New York in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2013, in addition to those mandated by the State, which are important to its citizens. After sustained effort to minimize the amount of the tax levy, and to project the tax levy limit for Fulton County for 2013, a responsible budget for 2013 may require a tax levy that will be greater than the tax levy limit calculated pursuant to applicable State Law.

1. **Budget Authorization:** The Board of Supervisors hereby overrides the tax levy limit for Fulton County for 2013 and authorizes Fulton County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to Section 3-c of the General Municipal Law.
2. **Severability:** If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.
3. **Effective Date:** This local law shall take effect immediately, pursuant to Section 27 of the Municipal Home Rule Law.

## Resolution No. 261

Supervisor HOWARD offered the following Resolution and moved its adoption:

### RESOLUTION AUTHORIZING TRANSFERS AND BUDGET AMENDMENTS

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: A-045-1165.410 DA-Special Prosecutors

To: A-045-1165.110 DA-O/T

Sum: \$5,000.00

From: A-385 3411.453	Arson Inv – Supplies, Film, Etc	\$250.00
A-385 3640.407	Civil Def - Postage	\$150.00
A-385 3640.452	Civil Def - Oxygen, Air, Res, Med, Shel	\$400.00
A-385 3640.454	Civil Def – Generator-Fas/Oil Etc	\$220.00
A-385 3641.421	CD/Haz-Mats – Conf, Sch & Semi	\$250.00
A-385 3641.456	CD/Haz-Mats - Printing	\$250.00
To: A-385 3640.403	Civil Def – Repairs, CCm Tower & Etc	\$1,520.00

and, be it further

RESOLVED, That the 2012 Adopted Budget be amended, as follows:

#### Revenue Account:

Increase FX-081-0599.000	Appropriated Fund Balance	1,400.00
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#### Appropriation Account:

Increase FX-885-9010.800	Water District-State Retirement	1,400.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Civil Defense Director/Fire Coordinator, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 262**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

### **RESOLUTION REJECTING ALL BIDS AND AUTHORIZING READVERTISEMENT FOR BIDS FOR THE PURCHASE OF A GAS BOILER AT COUNTY COMPLEX 1**

WHEREAS, Resolution 174 of 2012 authorized advertisement or bids for the purchase of two natural gas boilers at County Complex I; and

WHEREAS, one (1) bid was received; and

WHEREAS, the bidder failed to submit the required Bid/Performance Deposit required by the specifications; and

WHEREAS, the only bid received was considerably higher than anticipated; now, therefore be it

RESOLVED, That the Board of Supervisors hereby rejects the bid submitted; and, be it further

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from contractors for the purchase and installation of a natural gas boiler at County Complex I (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 1205, and received by said Purchasing agent no later than 2:00 p.m., Wednesday, August 1, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, All Bidders Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)



## **Resolution No. 263**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING COUNTY TREASURER TO PAY HUDSON RIVER-  
BLACK RIVER REGULATING DISTRICT DELINQUENT SCHOOL TAXES TO  
BROADALBIN-PERTH CENTRAL SCHOOL, MAYFIELD CENTRAL SCHOOL AND  
NORTHVILLE CENTRAL SCHOOL**

WHEREAS, on July 5, 2012, Supreme Court Judge Richard T. Aulisi issued a Decision and Judgment in the matter of the application of “Broadalbin-Perth Central School District, Mayfield Central School District and Northville Central School District, Petitioners vs. The County of Fulton, New York, and Edgar T. Blodgett, in his capacity as Treasurer of the County of Fulton, New York”; and

WHEREAS, said Decision and Judgment ordered the County Treasurer to make the following payments related to 2011-2012 School Taxes owed by the Hudson River-Black River Regulation District to each of the aforementioned School Districts within five (5) days of receipt of notice of entry of this Court Decision and Judgment:

Broadalbin-Perth	\$230,169.71
Mayfield	372,036.72
Northville	337,981.19

now, therefore be it

RESOLVED, the Board of Supervisors hereby directs the County Treasurer to comply with said Supreme Court decision and make the payments to the affected school districts in this instance only, as identified herein by reducing the fund balance by a like amount; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Broadalbin-Perth Central School, Mayfield Central School, Northville Central School, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## **Resolution No. 264**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN  
THE COUNTY OF FULTON AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION,  
INC., LOCAL 1000, AFSCME, AFL-CIO, FULTON COUNTY NURSES UNIT**

RESOLVED, That the Fulton County Board of Supervisors, by this Resolution, hereby ratifies the Memorandum of Agreement between the County of Fulton and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Fulton County Nurses Unit, as attached hereto and made a part hereof; and, be it further

RESOLVED, That the Personnel Director be and hereby is directed to transmit the necessary copies of said Agreement, when available, to the respective departments for distribution to its employees; and, be it further

RESOLVED, That the Chairman of the Board and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Commissioner of Social Services, Personnel Director, CSEA Nurses Unit, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Fagan and Kinowski)

## MEMORANDUM OF AGREEMENT

By and Between

The County of Fulton

And

The Civil Service Employees Association, Inc.

Local 1000 AFSCME, AFL-CIO

Fulton County Nurses Unit

The County of Fulton (the “Party”) and the CSEA, Fulton County Nurses’ Unit, Fulton County Local 818 (the “Union”) are parties to a Collective Bargaining Agreement for the term January 1, 2002 – December, 2004 with a Memorandum of Agreement extension for the period January 1, 2005 – December 31, 2008 and an Memorandum of Agreement extension for the period January 1, 2009 – December 31, 2009 (collectively “the Agreement”).

The County and Union wish to amend the Agreement as follows:

1. Article III, Compensation at Section 2.B.2 shall be amended by deleting same and replacing as follows:

Uniform allowance for all of the above will be dispensed in the following manner:  
[remainder of this Section 2.B.2 remains as written].

2. Article III shall be amended to institute a 2 week lag payroll as follows:

“The County shall have the right to implement a two (2) week payroll lag, a one (1) week increase from the one (1) week payroll lag in effect at the time of ratification of this contract (that being July 9, 2012). The lag will be implemented one day per pay period for five (5) pay periods and the employee can use accrued benefit time to cover the day each pay period (ie: vacation, personal, holiday or comp time).

3. Article VI. Sick Leave, at Section 2.J shall be amended by deleting same in its entirety and replacing as follows:

Employees who do not use sick leave in a calendar quarter shall be paid seventy-five dollars (\$75.00), which shall be payable in the second payroll period in August (for the first two quarters of the calendar year) and February of the succeeding year (for the second two quarters of the calendar year). An employee who does not use any sick leave in a calendar year shall be paid an additional one hundred dollars (\$100.00) for the annual total of four hundred dollars (\$400.00), which shall be paid in the second payroll period of February of the succeeding year.

4. Article VI at Section 4, Death in Family, shall be amended at the second paragraph to expand the definition of “immediate family” to include step-parents and step-children.
5. Article VIII, Pensions and Health Insurance, at Section 2B shall be amended by adding the following language:

Employees hired on or after the ratification date of this agreement (July 9, 2012) may choose to participate in the Fulton County Health Insurance Plan with coverage beginning thirty (30) days from the date of hire. Employees with less than one year of service shall contribute fifty percent (50%) of the premium for either individual or family coverage. After the completion of one year of service, the employee shall contribute twenty percent (20%) of the individual health insurance premium. An employee electing family/dependent health insurance shall contribute fifty (50%) of the dependent coverage and shall be given full credit for the cost of the individual premium in calculating the family premium contribution.

6. Article VIII at Section 4, Dental Insurance shall be amended to read as follows:

The employer retains the right to select a dental insurance carrier, or at its discretion, to self insure for dental coverage for its employees; provided that, should the employer exercise its right to change dental insurance carriers or self insure the dental benefit, the subsequent benefits shall be at least equivalent to the current benefit levels. All employees will be covered by "Family Plan" dental insurance, cost to be borne by the employer. At the time of ratification of this agreement (on July 9, 2012) benefits are currently underwritten by CSEA Employee Benefit Fund.

7. Article IV, Section 2.C shall be amended so that retroactive to January 1, 2011 the on-call pay provision at the third sentence will be amended to state: on call shall be paid at the daily rate of \$40.00 per day; \$50.00 for holiday day and weekend on-call. [to the extent on-call monies have been paid for 2011 and year-to-date 2012 the employee will be paid the difference]
8. Article III A-1 and Appendix A shall be amended to reflect wage adjustments as follows:

2010: Wage freeze @ 2009 rate  
2011: Wage freeze @ 2009 rate  
2012: Wage freeze @ 2009 rate  
2013: 1.5 percent  
2014: 2 percent

9. Items not detailed herein are deemed withdrawn.
10. The Memorandum of Agreement constitutes the entire understanding by and between the County and the Union as to modifications to the Agreement.